direct to consumers or others who will un-

load at once. Another proposition is the

per day to \$5 and \$10, and the reduction of

The Chicago & Rock Island's attempt to enter St. Louis has been ended by the an-

nouncement that the Terminal Railroad

struggle the Rock Island turned over the

road has decided to place them on the

heavy curves through the Alleghany moun-

tains. An order for 5,000 tons has been

given at a cost of \$370,000. The nickeled

steel rails cost nearly three times as much

as rails of standard steel. The tests made

by the Pennsylvania Railroad have shown

the durability of the nickeled rails to be

more than three times that of standard

An advanced step in panoramic pho-

duced is exactly as one's eye sees it.

nois Central and the Chicago & Alton that

neglected, there being large quantities of

corn to be forwarded to Eastern and South-

The rules provide that all officers and em-

ployes who have reached the age of seventy

shall be retired. Locomotive engineers and

firemen, conductors, flagmen, brakemen

train baggagemen, yardmasters, switch-

men, bridge foremen, section foremen and

supervisors who have attained the age of

tired after reaching the age of sixty-one.

lows: For each year of service an allow-

ance of 1 per cent. of the average regular

monthly pay received for the ten years

\$2,000,000,000 has been spent in railroad con-

struction, re-equipment and betterment. As

every field of industry. The greatest crops

on record are now in the first quarter of the

movement to market, and railroads have

positive guarantee of the largest tonnage

in their history. A general superintendent

says he is confident that their capacity to

handle the business offered them will be

of such necessities is that which now con-

fronts the New York Central regarding the

Park-avenue tunnel in New York. The en-

forced expenditures will run into tens of

millions of dollars, but the New York Cen-

tral does not carry a single passenger more

Saloon Remonstrance Law.

I think the present temperance law fa-

Ohio law, hold an election or let the saloon

OLD LINCOLN REPUBLICAN.

applicant and temperance petition start to-

APPEARANCES ARE DECEITFUL:

Or the Rubberneck Crane and the Insolent

Frog.

gether and let majority rule

Dublin, Ind., Jan. 13.

because of them than it otherwise would.

the Editor of the Indianapolis Journal:

preceding retirement.

taxed to the utmost.

eastern markets.

grade.

paid in acquiring the same.

ime allowed for unloading from ten to two

raising of the demurrage charges from \$1

five pounds to the yard.

hillp A. and S. Ochs, 1327 Villa, boy. E. and L. Harter, 2225 North Capitol, boy. R. and E. Staunsbury, 1412 Hill, girl. and K. Acker, 218 Sanders, boy and K. Heeval, 461 South East, girl. A. and E. La Feber, 927 Udell, boy. K. and A. Thayer, 907 Massachusetts, boy. W. and C. Heger, 330 Jefferson, girl. A. and M. Long. 2114 Jackson, girl. John and P. Lewis, 18 McLean, boy.

Marringe Licenses.

John W. Williams and Mary A. Fields. Alexander Joseph Tope and Charlotte Annie George J. Maurer and Frances Caroline Gloeb. William Martin and Adaline Bogglano. Burton E. Baker and Annabel Ellen Willis. Fred J. Jones and Margaret Doyle.

Deaths.

Sallie Annie Wright, seventy-eight years, 1608 Sarah Jane Duncan, seventy years, Clermont, Mary Meyers, seventy-six years, City Hospital, John Van Dyke, twenty-one years, 1064 Mc Richard B. Nolan, sixteen years, 629 East Eleventh, congestion of brain. Albert N. Emrich, six years, 1237 Silver ave-Fannie Huffman, twenty-eight years, 224 North Missouri, obstruction of bowels. Bertha Green, fourteen years, 1010 Virginia, Silver Hardin, fifteen years, 1125 Ringgold, Lydia Williams, nincteen years, 818 Muskiniric Isaac, fifty years, City Hospital, pneu-

SMITH-Mrs. Grace Hess, at Wabash, Ind., Jan. 12, 1963, wife of Louis F. Smith, of Indianapolis. dal at Wabash Wednesday afternoon at 2

MONUMENTS.

MONUMENTS-A. DIENER, 449 E. Washington. Tel. 2525. Branch works E. entrance Crown Hill. MONUMENTS-M. H. Farrell, 241 West Washington et. New Phone 2418.

FUNERAL DIRECTORS.

TUTEWILER & SON. Undertakers, 129 W. Market st. Tel. 216. BOTH 'PHONES 250. C. E. KREGELO SELLS A BURGLAR-PROOF VAULT THAT GHOULS CANNOT BREAK. 223 N. DELAWARE ST. FLANNER & BUCHANAN-(Licensed embalmers.) Can ship diphtheria and scarlet fever. Lady embalmer for ladies and children. 320 N. Illinois street. Telephone 641, new or old.

SOCIETY NOTICE.

ANCIENT ACCEPTED SCOTTISH RITE, Saring held this (Wednesday) evening at 8 o'clock at the temple to elect officers to serve during the ensuing year. JOHN W. STAUB, M. E. S. M.; FRANCIS T. HOLLIDAY, Secretary.

FOR SALE-MISCELLANEOUS.

FOR SALE-Or Rent: Invalid and reclining chairs, W. D. ALLISON CO., 905 N. Alabama. FOR SALE-One Dean Bros.' duplex power pump. Inquire W. LARUE, at the Chalfant, corner of Pennsylvania and Michigan streets.

FOR RENT-HOUSES.

FOR RENT-See list at 131 E. Market; groun floor. GREGORY & APPEL.

FOR RENT-ROOMS.

FOR RENT-Desk room, 631 Newton Claypool ilding; use of phone and messenger calls. THE MANHATTAN, 512-522 N. Meridian.

FOR RENT-FURNISHED ROOMS. FOR RENT-Furnished rooms; modern; private mily; references. 313 North Alabama

STORAGE. STORAGE-INDPLS. WAREHOUSE CO., W. E. Kurtz, Pres. H. A. Crossland, Mgr.

We STORE, PACK and HAUL.

TURAGE-The Union Transfer and Storage

ompany, corner East Ohio st. and Union cks; only first-class storage solicited. Crating and packing. 'Phones 725, WANTED-MALE HELP.

WANTED-Thoroughly experienced boiler and machinery mover and stack raiser; don't apply

mless experienced. HOGAN TRANSFER CO.

WANTED-HOUSES. TO RENT-A 6 or 7 room cottage, with bath;

Box 378, care the Journal. WANTED-MISCELLANEOUS.

If you have anything to buy, sell or trade make that fact known through the Sunday Journal want ads. You will get the desired results.

are charged at the very low rate of 5 cents a quite likely that he will soon, therefore, line. Blank or dash lines at the same price per be assigned to command the division of the Philippines

LOST.

LOST-A carriage robe; left the Grand Opera est on Ohio to Meridian, north on Meridian to st., and receive reward.

BUSINESS OPPORTUNITY.

BUSINESS CHANCE—Send for price list of Douglass, Lacey & Co.'s dividend stocks; best on the market. ORAN PERRY, 827 Law Bldg., BUSINESS CHANCE-"This Beats New Jersey. Charters procured under South Dakota laws for rs; write for corporation laws, blanks, ssistant secretary of state, Huron, Beadle Co., South Dakota.

FINANCIAL.

& CO., 127 East Market street. Financial Money to loan on farms anywhere in Indiana; 5 per cent. interest; NO COMMISSION; full partial payment privilege at interest dates; annual or semi-annual interest; large loans a specialty; write us before making arrangements. CLEMENTS & EVANS, Crawfordsville, Ind.

LEGAL ADVERTISEMENT.

RECEIVER'S SALE. In pursuance of an order of the Hamilton Circuit Court, at the office of the Wainwright Trust Company. in Noblesville, Indiana, on SATURDAY, JAN. 17, 1903, at 10 o'clock a. m., THE NOBLESVILLE ELECTRIC LIGHT AND ICE CO. PLANTS.

Appraised value, \$26,305.40. For terms of sale and further information call on or address

A. J. BROWN, Receiver, Noblesville, Ind. By failure of natural gas for illuminating pur-poses the value of electric light franchise will be greatly enhanced. This is a rare chance for profitable investment.

ANNUAL REPORT OF THE PIONEER BRASS WORKS, JAN. 1, 1903.

nount of capital stock (all paid up) \$10,000.00 Total existing indebtedness .. J. H. BRINKMEYER. President and Director. F. A. W. DAVIS, Secretary and Director. State of Indiana, Marion County. J. H. Brinkmeyer and F. A. W. Davis, on their

caths, say that they are respectively, the presi-dent and secretary and a majority of the directors of said corporation and that the above statement is true.

Subscribed and sworn to Jan. 12, 1903.

FRANK C. JORDAN, Notary Public.

My commission expires Feb. 6, 1906. NOTICE OF FIRST MEETING OF CREDITORS.

In the District Court of the United States for District of Indiana in Bankruptcy. In the matter of John R. Meuser, bankrupt; No. in bankruptcy. To the Creditors of John R. Meuser, of Indianapolls, in the County of Marion and District Afore-Notice is hereby given that on the 12th day of Sanuary, A. D. 1903, the said John R. Meuser was uly adjudicated bankrupt, and that the first neeting of his creditors will be held at Room 507, ndiana Trust Building, No. 117 East Washington eet, in the city of Indianapolis, Marion county, Indiana, on the 24th day of January, A. D. 1903, at 3 o'clock in the forenoon, at which time the said creditors may attend, prove their claims.

nt a trustee, examine the bankrupt and

sact such other business as may properly

Indianapolis, Ind., Jan. 13, 1903.

before said meeting.
ALBERT RABS, Referee in Bankruptcy.

JOURNAL BUSINESS DIRECTORY.

FUNERAL DIRECTORS-FRANK BLANCHARD, 99 N. Delaware st. Tel. 411. Lady attendant.

BERTERMANN BROS., New No. 241 Mass. av., 228 N. Del. st. Tel. 840 PATENT LAWYERS-THOMPSON R. BELL, consulting engineer and patent attorney, 55 Ingalls block, Indianapolis.

HORACE WOOD. (Carriages, Traps, Buck-poards, etc.) 25 Circle. Tel. 1007. NOTICE.

SALE AND LIVERY STABLES-

boards, etc.)

NOTICE-JOSEPH GARDNER, tin work and furnaces, 39 Kentucky av. Telephone 322. NOTICE-H. A. Grabhorn, music and job printing, 131 E. Market st. 'Phone, Black 7211. NOTICE-Notice is hereby given by the under-signed that certificate No. 61, for ten shares of the capital stock of the Security Trust Company, in the name of the undersigned, has been and the public is warned against purchasing or negotiating for said certificate, as due notice has been filed with the Security Trust company under the by-laws of that company, of ication for a new certificate. This notice i published in accordance with the by-laws of said company. JENNIE M. GRIFFITH.

A CARD LIKE THIS

Every Sunday for one year costs but \$1.95 per The Journal want page is profitable to the advertiser and reader.

JUDGE TAFT WILL NOT BECOME A SUPREME COURT JUSTICE.

Forced to Surrender His Ambition Because Filipinos Implored Him to Stay as Their Governor.

WASHINGTON, Jan. 13.-After mature consideration it has been decided by the President that Judge Taft shall remain in the Philippines as civil governor. The de- year to state with any certainty what new cision was .eached only after the President had discussed the Philippine question thoroughly with Secretary Root and the other members of the Cabinet, and with Vice Governor Luke Wright, who has been in this country for two months. For several weeks it has been regarded as settled that Governor Taft would return to this country, perhaps in a few months, to become a justice of the United States Supreme Court. President Roosevelt indicated to Governor Taft in a letter dispatched to the Philippines more than a month ago that he could have the appointment to the Supreme Bench if he desired it. It was the President's purpose to name General Wright as civil Governor of the Philippines.

As soon as it was learned in the Philippines that Governor Taft was likely to leave the islands, cabled protests began to pour in on the President from prominent Filipinos. Even yesterday the President was in receipt of a cablegram from some of the most important interests in the Philippines urging the retention of Governor Taft as civil governor. The protests received in no manner reflected on Vice Governor Wright, for whom the people of Manila, and of the islands generally, have the highest regard, but it was pointed out to the President that Governor Taft was ideally equipped for the position of governor and that any change, at this time, would be disastrous to the best interests of the archipelago. It was maintained that Governor Taft's relinquishment of his post would retard the development of the islands fully five years.

'Governor Taft is known, as one high official expressed, "to be thoroughly wrapped up in his work in the Philippines. His ambition has been to round out his career as justice of the United States Supreme Court, but he has become imbued so entirely with the spirit of the great work to be accomplished in the Philippines and so perfectly in sympathy with the ideals of the best classes of the inhabitants that he hesitated to relinquish his post at this time, even to accept the disconfer on him. To-day, in response to the President's letter offering to him the supreme justiceship, a cablegram was received from him suggesting with a sincere appreciation of the tender that it might be better for him, in view of all the circumstances, to remain where he was. After this it was announced unofficially, but en-

Wood to Go to the Philippines.

WASHINGTON, Jan. 13.-Brig. Gen. Leonard Wood has applied for service in | not the cars to load. the Philippines and his request has been granted. He will go to Manila in April, and it is expected he will be assigned to command in Mindanao. General Wood will become a major general in August, and it is

A number of important army changes will occur soon in the Philippines, the importance of which will be the assignment of Brigadier General Wade, now commanding a department in the archipelago, to George W. Davis, who will retire for age Baldwin will be relieved from duty in the Walnut, west on Walnut to Illinois. Finder re- Philippines during the summer, and Gen. turn to ALBERT GALL, 17-19 West Washington | Wood, General Carter and General Bliss, of the war college board, possibly both, and Col. Francis Moore, of the Eleventh Cavalry, will be assigned to the command of departments there.

Transport Logan Arrives.

SAN FRANCISCO, Jan. 13 .- The transport Logan arrived here to-day from the Philippines with 1,166 discharged soldiers by-laws and forms to PHILIP LAWRENCE, late on board. One-half of the soldiers on board were dishonorably discharged and the the records of the men, perfect discipline was maintained during the entire trip.

SALES OF REAL ESTATE.

Twenty-One Transfers Made Matter of Record Yesterday.

Instruments filed for record in the recorder's

office in Marion county, Indiana, for the twentyfour hours ending at 5 p. m., Jan. 13, 1903: George Kessler et ux. to George K. Shelby, Lot 28, Shelby's first sub...... \$1,500.00 The Central Trust Company, trustee, to John Flaskamp, Lot 364, second section, Lenox Place add ... Mary A. Collins, to Ellen Collins, Lot 14. Blk 2, Indianapolis Car Company's add; also Lot 28, Cottage Grove add Mary E. Snyder to Frank J. Vondersaar, Homer Beaver, pt of n e 4, Sec 18, Tp Lot 207, Sec 41, Crown Hill Cemetery... Christian F. Luebking, Jr., et ux. to Frederick King, Lot 211, Anderson cem-Mary Snyder to Frank Klein, pt of s e 4. Sec 32, Tp 15, R 4.... Armstrong Park Land Company to Benjamin F. Hollingsworth, Lot 68, Armstrong Park add. Elizabeth A. Schleicher to Leah Mc-Curdy Brown et al, Lot 9, Sq 2, first section, Lincoln Park add .. Edwin F. Claypool et ux. to James W. Lilly, Lot 108, Morton Place add..... Edwin F. Claypool et ux. to Frank D. Stalnaker et al., Lot 209, Morton Place Edwin F. Claypool et ux. to Frank D. Stalnaker et al., Lot 210, Morton Place Jacob S. Mustard et ux. to Edith Taylor, pt of n e 14. Sec 12, Tp 16, R 3. Armstrong Park Land Company to James Q. Barcus, Lot 149, Armstrong Park add Benjamin F. Holmes et ux. to Harry F. Schlueter et ux., Lot 49, Milligan's

dler, Lot 28, Martindale et al's sub, Sq Schleicher, pt of Lot 7, Blk 1, North Transfers, 21; total consideration \$33,114.00

Edith Bills et al. to Otto Boettcher, Lot 3

Samuel Brewer et al. to Charles A. Sad-

and pt of Lot 8, Ridenour's .ub ..

Pettibone & Rickard's Highland Home

Building Permit.

IN THE YEAR 1902 WERE BUILT 6,026

Southwestern Passenger Bureau May Be Reorganized-Bad Weather Affeets Big Four Earnings.

and West by such systems as the Chicago, Rock Island & Pacific, the Chicago, Milwaukee & St. Paul and the Chicago Great Western, which, if constructed, will aggregate a larger mileage than built in

Pere Marquette Expansion. Pere Marquette line show that the new syndicate which has bought the property intends to organize a most comprehensive railroad system. The plan is to create an international system reaching from the Pacific coast to Mexico through Canada, with Buffalo as its eastern terminal. The new president of the company, who was elected at the meeting in Boston recently, is also president of the Mexican Central Rail-road, which is owned by the H. Clay as directors removes all doubt that the the St. Louis & San Francisco. to Brownwood, Tex. Another road under in the organization of one of the largest systems in the country.

Big Four Earnings.

tirely authoritatively, that Governor Taft \$1,176.69 over the corresponding week last would remain as civil governor of the year. Ford Wood, general freight agent

The Frisco's Short Cut. The Frisco has just completed a survey Chicago and St. Louis. At present the Chi-Frisco beats it two miles. It shortens the present route via Danville, Ill., twenty-three miles. The cutoff leaves the main line at Woodland and makes a bee line to Villa Grove, a distance of about sixty miles. The surveyor states that but two small curves will remain in the line and these are made the supreme command of the military to avoid streams. The topography of the forces in the islands, to succeed Maj. Gen. | country traversed is as level as a meadow and no bridges of any consequence will

Route of the T., Ft. W. & I. To the Editor of the Indianapolis Journal: others, or most of them, were weeded out out the statement of your Warren correof the service as undesirable. In spite of spondent that the Warren route would ton, which passes through a far better oil territory than by way of Warren, which is just beginning to be developed.

Lafontaine, Ind., Jan. 13.

Personal, Local and General Notes. D. and its allied lines, is in New York.

H. G. Stiles, general agent of the Cincinnati, Hamilton & Dayton at Indianapolis, is confined at home, threatened with

typhoid pneumonia. M. W. Wardrop has been appointed special clerk in the office of A. B. Starr, general superintendent of freight transportation of the Pennsylvania lines west, vice H.

100.00 S. B. Liggett, secretary of the Pennsylvania Company and superintendent of the Employes' Savings Fund, states that the new organization will not go into effect until Feb. 1. D. T. Bacon, general manager of the In

> W. B. Blake, engineer of maintenance of way on the Pittsburg, Fort Wayne & Chicago's western division, has been appointed assistant real-estate agent of the Pennsylvania's Southwestern system. Mr.

Blake was formerly engineer of maintename of way on the Louisville division. It is expected that the Southwestern Passenger Bureau will be reorganized some 1.00 time this month. It is now defunct. The remaining roads-the Santa Fe, the St. Louis & San Francisco and the Missouri Pacific-announced their withdrawal Jan. to take effect not later than Jan. 31. Affairs in this association were in such condition that but one thing remained to

4.800.00 do-disband and reorganize. General Superintendent A. M. Schoyer, of the Pennsylvania Northwestern system. has just completed a trip over the road, and states that the fine is now all doubled George Krukinsky, 228 South Illinois st., stable, track with the exception of forty miles be-

ulative purposes that the railroads whose cars are standing on side tracks loaded with coal will adopt some remedy. They will refuse to accept coal unless it is billed

MUCH BRUTALITY. Thomas Gray Demands \$2,000

Alleged Bad Treatment-Other

Court Cases.

ners and appearance and much given to the use of profanity. Gray says that Snyder did anything to vent his anger on the workman who happened to cross him. On these occasions he would become violently angry and curse the men under him, emphasizing his curses and orders by striking and beating his in-

tography has recently been achieved by the & O. and it promises to set the pace for future outdoor work when it comes to making comprehensive views. This company for some time has desired views of Harper Ferry, so comprehensive that all the best features of the historic place would appear in one group. After a number of experiments a camera was constructed which takes in the complete 180 degrees of the horizon with a perfect impression, eliminating all distortion. The picture pro-George W. Graves, superintendent of the Cincinnati, Indianapolis & Western, states that had the company the power it could handle a thousand loaded through cars per week. The company has notified the Illi-

needed to restore him to health. Because of permanent injuries and being it could receive no more freight from them crippled for life from the inhuman treatuntil loaded cars on side tracks had been ment to which he was subjected Gray deplanned in the Southwest, the Northwest | delivered. On Saturday last the company | mands a judgment for \$2,000 from Snyder | had 600 cars to be forwarded east, and the | and his employer, the Merchants' Heat and pany is named as a co-defendant on the receive them, but the number has now been reduced 300. To do this local business was theory that it knew the character of the other defendant.

> In the January number of Railway and Locomotive Engineering is an interesting article stating very fully the development of the locomotive of to-day, by August Sinclair, the editor. Attention is directed to two pictures, one passenger and one freight, of what Mr. Sinclair regards as the highest development as an engine for earning revenue. The passenger engine in question is No. 147, belonging to the Chesa-peake & Ohio, and is of the Atlantic type, with the exception of an additional pair of drivers. The freight engine belongs to Southern Pacific, and is a consolidation Vauclain compound, with cylinders 17 by 18 inches, weight 204,800 pounds. This engine has hauled 1,500 tons up a fifty-foot asks a divorce, as well as the restoration of her maiden name, Mabel Hufford. The Oregon Short-line has completed its plan for a pension system for its employes.

Wants His Name Changed.

Isaac Earl Davis filed a petition in the Circuit Court yesterday praying Judge Allen to permit him to change his name to Herbert Earl Davis. Davis states in his petition that for satisfactory reasons sixty-five may be retired. The employes known to himself the name of Isaac has who have become incapacitated may be rebecome distasteful to him and that the change in his name will be to the disad-The pension allowances are based as folvantage of no one.

Within the last four years more than They were John E. Gallahan, Logansport a result of this vast expenditure railroads are now for the first time in a position to \$2,780.50, assets \$512.75, and Edward H. Marrealize for their stockholders on the outlay. The mercantile and industrial conlatt, grocer, Attica, Ind., liabilities \$2,325.64, ditions are healthy and the outlook is for assets \$1.050. another year of splendid prosperity in

> Room 1-John L. McMaster, Judge. Edward Waits vs. Henry Vehling; damages. On trial by jury. Jury out. George Newton vs. Patrick Ward; damages. Dismissed at plaintiff's cost.

In speaking of increasing the stock and Room 2-James M. Leathers, Judge. bonded debt of the Pennsylvania lines the Joseph H. Pattison vs. Mary A. Staub et New York Post says: "It is probable that al.; foreclosure. On trial by court. neither President Cassatt nor any of his associates in the Pennsylvania directorate will live to spend all the money they have asked for, but the matter brings up for and allowed as a preferred claim for \$31.50. consideration by the stockholders of the railway systems in this country, especially the old ones, as to the probable profit to be derived from many of the absolutely necessary improvements now being made on their properties. An excellent illustration

Finding for plaintiff against Lot 71 for \$124.78 without relief. CIRCUIT COURT. Henry Clay Allen, Judge. Bernard Cole vs. Indianapolis Union Rail-

Trial concluded. Jury returned verdict for CRIMINAL COURT.

vors the saloon applicant. I have had stolen goods. On trial by court. Evidence some experience circulating a petition. The precinct vote was \$1 for secretary of state, tory from one to fourteen years. and it required 42 of the votes cast for a franchised for one year. majority. The result of the canvass was: Thirty-seven voters against the saloon, twenty-eight for the saloon, fourteen voters would not sign for various reasons, four votreaches age of twenty-one years.

Andrew Holt; petit larceny. Arraigned and in New York. The insurance company reaches age of twenty-one years. ers were absent, five were at a distance at work, two had moved and one was dead. and pleaded not guilty. I learned that eight of the absent voters Hayes Allen; assault and battery with were temperance men, and if they could have been found would have given a maintent to kill. Arraigned and pleaded not jority, but all counted for the saloon applicant, giving him fifty-four. Give us the

> NEW SUITS. account. Superior Court, Room 2. Petition of Isaac Earl Davis to change his name to Herbert Earl Davis. Circuit

Court. Thomas Gray vs. Benjamin J. Snyder and Merchants' Heat and Light Company; damages. Superior Court. Room 2 Mabel Johnson vs. Frank G. Johnson: divorce. Superior Court, Room 2. John R. Welch vs. Albert Claypool; to quiet title. Circuit Court. Dean Bros. & Lincoln vs. George A Welch; on account. Room 1, Superior Society of the Good Shepherd vs. Albert Claypool et al.; suit to quiet title. Circuit

HIGHER COURTS' RECORD. SUPREME COURT.

20001. Robson vs. Richey. Knox C. C. Affirmed. Hadley, C. J.-1. After a final

be good and sufficient to all, or it will not be available to any of them. 19643. Island Coal Company vs. Swaggerty. Davies C. C. Petition for rehearing overruled. Gillett, J.-I. In an action for damages on account of a personal injury received by reason of the negligence of the defendant in the absence of specific averments showing contributory negligence on the part of plaintiff, a general allegation of freedom from fault will be sufficient. 2 The doctrine of assumption of risk does not apply to a case where the injury occurs by reason of the negligent nonobservance that a horse of the tenant of the landof a positive and fixed duty enjoined by a owner is injured, the company is liable for statute. 3. A master's duty is to use or- the damages sustained by the tenant. dinary care to provide his servant with a safe working place, with safe machinery and appliances. If the master authorizes

20054. Lloyd Harris vs. P., C., C. & St. L. Ry. Co. Clark C. C. Appellant's petition to transfer.

APPELLATE COURT.

PARK Sp. m.

DUFFIN-REDCAY CO.

LA BELLE BLANCHE.

THREE WESTONS.

& MRS. BARRY.

AMUSEMENTS.

Mr. F. C. Whitney presents

LULU GLASER OPERA CO. in

"Dolly Varden."

WILFRED CLARKE & CO.—COMEDY.

EMPIRE THEATER Wabash and Delaware St.

ONE WEEK ONLY

Commencing Monday Matinee, Jan. 12

TWO SHOWS DAILY.

The Brigadiers Burlesque Company

Prices of admission-10c, 15c, 25c, 50c.

Next Week-THE PARISIAN WIDOWS.

Telephone 1317, New.

Moving Pictures and Views.

Roberts Park M. E. Church, Jan. 14.

Descriptive Lectures - Mrs. Katharine Bowden

Admission 800. Children 250.

In an action upon the bond of a county

auditor for the wrongful appropriation of

different items of money it is not necessary

that each item should constitute a separate

paragraph of complaint, and it is proper

for the State on the relation of the board

There is no error in sustaining a de-

murrer to answers when the facts pleaded

the public will amount to an implied ac-

of maintaining it upon the local govern-

ment, and the acceptance of the dedication

will be implied from the general use of

the highway by the public as if right. 2

Hamilton C. C. Rehearing granted.

Appellant's brief (8.)

Appellant's brief (8.)

pellees' brief (8.)

was involved.

additional authorities (8.)

Appeliant's reply brief (8.)

ment (8.)

certiorari.

3865. Wabash Railroad Company

Hamilton C. C. Appellee's brief (8.)

k St. Louis Railway Company vs. Leonia

Lindsay, administrator. Hendricks C. C.

RECENT LEGAL OPINIONS.

-United States Supreme Court-First

Hawailan Case.-

alarm, failing which, and for the purpose

of using a telephone, he ran back into the

building, which was enveloped in flames,

where he was so severely burned as to

cause death. Held, that the employe's act

in returning to the burning building, and

western Rep. (Tenn., Judge Heard), 616.1

days pending an examination by physicians

a promise to go home and behave himself

he was released. In an action against the

sheriff for false imprisonment it was held

that the failure of the sheriff to take him

at once before a magistrate did not con-

vert a legal into an unlawful arrest, so as

to make the sheriff liable in damages. [53

-Insurance-Incontestable Policy .-

Where an incontestable insurance policy

was procured by fraud, and the company

did not elect to rescind the same during

the life of the insured, and on her death.

under an impression that it could not de-

fend an action on the policy, paid the same,

it was not entitled to maintain an action

against the administrator of the estate for

deceit to recover the amount of the policy

naid and other damages. [70 Southwestern

-Railroads-Keeping Fences in Repair .-

Southwestern Rep. (Ky., Judge White).

ing Guilt .-

Rep. (Ky., Judge Burnam), 628.1

Atlantic Rep. (Pa., Judge Potter), 504.]

burg S. C. Appellee's brief (8.)

can be shown under a general denial.

ication.

of commissioners to bring such action. 2

Passion Play

Matinees Daily. All Seats 25c.

PRICES-\$1.50, \$1, 75c, 50c, 25c. Seats now ready.

Prices-10c, 20c, 30c, FAUST Thursday-Riley and Woods Big Show.

MR. 6 MRS. YOUNG.

FOUR RIANOS. THE BIOSCOPE.

AMUSEMENTS.

Farewell Tour of Lewis Morrison's Great

ENGLISH'S—Thursday, Friday, Saturday, Jan. 15, 16, 17—Mat. Sat. POLO To-Night

PROFESSIONAL GAME INDIANAPOLIS vs. RACINE FRIDAY, JAN. 16-Game Called at 8:15 ROLLER SKATING Every Night and Afternoon ADMISSION 250

Heating Stoves

FOR ALL KINDS OF FUEL

EAT'M ALIVE for ONE BLUE POINTS

BIG FOUR ROUTE.

ity Ticket Office, No. 1 East Washington St. Depart. Arrive. CLEVELAND LINE. leveland, New York and Boston ex, s. 8.00 .11.45 ort Wayne express..... 7.30 ST. LOUIS LINE. *4.45

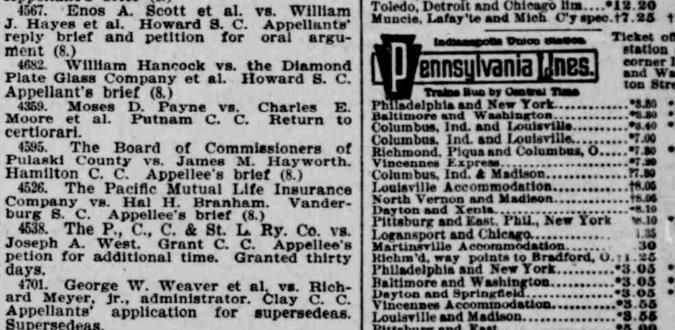
"The World's Fair Route"

hicago fast mail, d p........ hicago White City special, d p...... Chicago night express. 8
CINCINNATI LINE. . 12.05

Ownership or insurable interest at the time of a loss by fire is an essential fact

cause and its demurrer was separate and several to each paragraph of complaint, if either paragraph was defective the exception to the ruling saves the question, under proper assignment of error, for decision. 3954. Home, etc., Association vs. Church

son. Jay C. C. Petition for rehearing Accommodation.....



hil. and New York, "The Limited". 97 ogansport and Chicago VANDALIA LINE.

UNION TRACTION CO. OF INDIANA. Time Table Effective May 23, 1902. Station, Magnolia Block, Capitol and Kentucky Avenues.

Anderson with limited trains for Elwood. leave Kentucky-avenue station at 5:15 p. m. ishable goods received from 5 to 5:30 a. m. for building as to allow it to take fire. An employe in the building ran out to give the

GREENFIELD LINE. Time Table Effective Jan. 14, 1903. General Offices, Franklin Building.

For Greenfield, Knightstown and intermediate stations. Passenger cars leave Meridian and Washington streets. First car 5:55 a. m. (except Sunday, when first car leaves at 6:55 a. m.) and hourly thereafter until 9:55 p. m. Next and last car leaves at 11:15 p. m. Combination passenger and express cars leave Meridian and Washington streets at 5:55 a. m., 7:55 a. m., 11:55 a. m., 3:55 p. m., 7:55 p. m. -Freight Cars .-For Greenfield and intermediate stations only as required by law. He was detained two

Arrive at Georgia and Meridian streets at 7:5 a. m. and leave at 9 a. m. Also arrive at 2:27 to determine his mental soundness, and on | p. m. and leave at 3:30 p. m. "INDIANAPOLIS, SHELBYVILLE &

SOUTHEASTERN TRACTION COMPANY.

ton and Meridian streets on the following hours: 6, 7, 8, 9, 10, 11 o'clock a. m., 12 o'clock noon, and 1, 2, 3, 4, 5, 6, 7, 9 and 11:15 o'clock p. m.

Cars leave Shelbyville for Indianapolis and all intermediate stops as follows: 6, 7, 8, 9, 10, 11 o'clock a. m., 12 o'clock noon, and 1, 2, 3, 4, 5, 6, 7, 8 and 10:30 o'clock p. m.
Round-trip tickets, Indianapolis to Shelbyville, can be purchased at Huder's drug store, corner Washington and Pennsylvania streets, and at the E. E. Ensley pharmacy, Stubbins Hotel *Change of time cards to take effect Thursday morning, January 1, 1903.

Where a railroad company makes an Passengers cars leave Pennsylvania and Washington streets. First car at 6 a. m. and hourly thereafter until 10 p. m. Last car leaves at 11:15 agreement with a landowner under which

INDIANAPOLIS & MARTINSVILLE RAPID TRANSIT CO.

-Criminal Law-Attempt to Escape-Judg-For Mooresville and intermediate points cars will leave Kentucky avenue and Washington street at 6:30 a. m. and every hour thereafter to

NEW YORK STORE vs. HABICHS

Vonnegut Hardware Co. 120, 122 and 124 East Washington St.

C. MUELLERSCHOEN, "By that Depot"

RAILROAD TIME CARD.

'.M. time is in BLACK figures. Trains marked thus: "Daily; S-Sleeper: P-Parlor Car; C-Chair Car; D-Dining Car; t-Except Sunday: Sunday only. Daily except Monday.

can be shown under a general denial.

4266. City of Hammond vs. Maher. Laporte S. C. Affirmed. Henley, J.—1. User by the public will amount to an implied active method of the public will be active method of the

It is not necessary to the validity of a incinnati express, s.....*3.45 dedication of a highway that the user by the public should be for any particular incinnati express, s.....*4.39 length of time, as lapse of time is not essential to establish a highway by ded-4310. Ohio Farmers', etc., Company vs. Vogel. Jackson C. C. Reversed. Wiley. J.-1. A complaint upon a fire insurance Peoria, Bloomington, m and ex 7.25
Peoria and Bloomington, f ex. d p 10
Champaign accommodation, p d 4 10
Peoria and Bloomington, ex s 11.50 policy, by the insured, after a fire loss, must contain averments showing that the plaintiff had an insurable interest in the SPRINGFIELD AND COLUMBUS LINE. property both at the time of issuing the licy and at the time of its destruction.

to authorize the insured to recover upon CIN., HAM. & DAYTON RY. his policy, which fact must be pleaded. 3. City Ticket Office, 25 W. Wash. St. Where there is but one defendant in a Cincinnati express, s c... *4.00 incinnati fast mail, s *8.05 Oin. and Dayton ex, p ... †10.40 3582. Prussian, etc., Company vs. Peter-

springfield and Decatur Ex. s c 11.10 chultz. Laporte C. C. Petition for rehear-4684. Ewing vs. Ewing. Huntington C. . Appellant ordered to file cost bond in thirty days and in failure to do so appeal to be dismissed. Motion to dismiss for other grounds postposend till final hearing. Per

Indianapolis Street-railway Company vs. Bertha A. Marschke. Marion S. C. Toledo, Chicago and Michigan ex 17.15 *10.25 Toledo, Detroit and Chicago lim 12.20 +3.25 Muncie, Lafay'te and Mich C'y spec. 17.25 +10.25

William Hancock vs. the Diamond Plate Glass Company et al. Howard S. C. 4359. Moses D. Payne vs. Charles E. Moore et al. Putnam C. C. Return to 4595. The Board of Commissioners of Pulaski County vs. James M. Hayworth. 4526. The Pacific Mutual Life Insurance Company vs. Hal H. Branham. Vander-4538. The P., C., C. & St. L. Ry. Co. vs Joseph A. West. Grant C. C. Appellee's petion for additional time. Granted thirty George W. Weaver et al. vs. Rich-

ard Meyer, jr., administrator. Clay C. C. Appellants' application for supersedeas. 4584. The Long & Allstatter Company vs. Edward Barnes et al. Boone C. C. Ap-4223. State Bank of Indiana vs. Victor M. Backus et al. Marion S. C. Appellees' 4572. The Cleveland, Cincinnati, Chicago

Western Express. Terre Haute and Effingham Acc..... The United States Supreme Court on Dec. 1 delivered the first opinion ever rendered by it in a case coming up from a Hawaiian

For Anderson, Muncie, Marion, Alexandria and intermediate stations. Leaves 4:15 a. m. and each hour thereafter until 9:15 p. m. and 11:15 refused to pay the money to the Hawaiian administrator on the ground that by the Limited trains for Anderson and Muncie. terms of the policy it was payable at its New York office. The Territorial Court's arriving Anderson in one hour and twenty-five minutes, and Muncle in two hours. 11 a. m. and 5 p. m. trains make direct connections at decision was opposed to this contention, and the Supreme Court did not disturb the Combination passenger and express car will case as thus left, the court dismissing the writ on the ground that no federal question Express cars leave Indianapolis station, corner Kentucky and South Capitol avenues, for Muncle and Anderson at 5:30 a. m. and 2:30 p. m. Morning car makes direct connection with express -Injury to Employe-Burning Buildings .-An employer so negligently constructed a car for Elwood, Marion and Alexandria. Per-

INDIANAPOLIS & EASTERN R. R. CO.

not the faulty construction of it, was the proximate cause of his injury, and that the administrator of his estate could not recover damages for his death. [70 South--False Imprisonment-What Constitutes .-A sheriff arrested a man for resisting legal process, and placed him in jail without at once taking him before a magistrate,

> Cars leave Indianapolis for Shelbyville and ail intermediate stops from the corner of Washing-

INDIANAPOLIS, GREENWOOD & FRANKLIN R. R. CO.

it is its duty to erect and keep in repair a fence along the right of way, and the fence is permitted to remain out of repair, so Combination passenger and express leaves Georgia and Meridian streets for Greenwood only at 9:30 a. m. and 3:30 p. m.

Evidence that six weeks after the murder with which defendant was charged, and twelve days before the term at which he was to be tried, he attempted to escape, is admissible in evidence against him as a circumstance to be considered by the jury with the other facts tending to establish guilt. [42 Southeastern Rep. (W. Va., Judge Cardwell), 865.]

street at 6:30 a. m. and every hour thereafter to and including 6:30 p. m., after which time car will leave at 8:30 and 11:15 p. m.

Car leaves Mooresville at 6 a. m. and every hour thereafter to und including 7 p. m., after which time a car will leave at 10 o'clock.

The 6 a. m. car leaving Mooresville reaches the Union Station at Indianapolis in time to connect with Sunday morning excursions on all rall-roads. Hourin service to Brooklyn.

FAST RAILROAD BUILDING and extending eastward, and this gap will be closed in the early summer. The road

MILES OF NEW LINES.

According to the best authority on railconstruction there were built in the United States in 1902 6,026 miles of new lines, Oklahoma leading, and the present year will probably exceed in mileage that of 1902. Oklahoma is credited with 570 miles of new roads last year, or 10 per cent. of the loss of said certificate, together with an ap- the whole, and the large construction in this young State is attracting the attention of the world, for, notwithstanding the half million population of the Territory, the country is undeveloped and the possibilities among the greatest of any section in the Union. Many new lines are projected to be built during 1903. Eighteen new railways have been incorporated in Oklahoma. In other Western States there has been considerable new road constructed, and in the Northwest several branches to already existing systems. In the central States but little has been done, all in the way of extensions to roads already built, such as the Southern Indiana,

the Cincinnati, Indianapolis & Western, the Cincinnati, Richmond & Muncie, and the northern extension of the Vandalia. Considerable has been done in the central States in laying second tracks. The Pittsburg, Fort Wayne & Chicago laid in Indiana and Ohio sixty miles of second track in 1902. The Big Four laid some fifty miles of double track last year, and will increase its mileage of second tracks the present year. The Big Four has also rebuilt the Chicago & Southeastern. In the trunkline territory but little new road was built, except in the interests of the Wabash. In New England practically nothing was done in this direction. It is too early in the mileage will be built. New roads are

The changes made in the officials in the Pierce syndicate, which practically controls the St. Louis & San Francisco and the Pere Marquette. The election of H. Pierce as well as that of M. J. Carpenter Marquette was bought in the interest means of the recent transaction the Pere Marquette reaches Buffalo through Canat Chicago connection is made for St. Louis and from there for San Francisco. This means that the Pere Marquette will be completed into Chicago. Anproposition is to extend the road process of construction will connect with the Mexican International, going down into Mexico to the Pacific coast. A glance at the map will convince one that if the plans, which are said to have ample capital behind them, are carried out, it will result

tinguished honor the President offered to first week in January were the smallest of show a slight gain over the corresponding week last year, they being \$320,598.85, an increase over the corresponding week of

The Peoria & Eastern earned in the first week of January \$46,118.76, an increase of of the P. & E., said that could the company secure the cars it would now be earning much the largest revenue from freight service at any time in the road's history. The road has ample power, but

There seems to be some controversy between some Huntington and Warren people about the route of the proposed Toledo, Fort Wayne & Indianapolis Railroad, It seems that while Huntington is tied up in the way of indemnity to the Dayton, Union City & Huntington Railroad the plucky little city of Warren is bestirring itself to secure the former line from Huntington, which is perfectly legitimate and laudable; serve a more productive and populous country than by way of Huntington is not correct. The facts are that there is no more productive and up-to-date farming country in the State than will be found on the proposed route from Marion to Hunting-

A READER.

M. D. Woodford, president of the C., H. & The Pennsylvania lines west are receiving 125.00 fifteen new cars daily from the Steele Car Company, which are immediately put into

K. Brady, promoted.

diana Car-service Association, will retire from that position on Feb. 1 and be succeeded by Frank Wilson, recently chief clerk to J. Q. Van Winkle, general su-perintendent of the Big Four.

be closed in the early summer. The road will be laid with steel rails weighing eighty-

So much coal is held in Chicago for spec-

BENJAMIN J. SNYDER IS ACCUSED OF

Association of that city had admitted this road to the association. In the end of the In Thomas Gray's suit for damages from Wiggins ferry property and the St. Louis, Kansas City & Colorado Railroad into the the Merchants' Heat and Light Company exposition ground to the association at a and Benjamin J. Snyder the plaintiff rehandsome profit in spite of the high price lates a condition of affairs in the construction of the heating company's trenches that President Stevens, of the Chesapeake & is surprising, to say the least. Gray was Ohio, and his associate directors began last year the development of plans to practicalemployed by the company as a laborer and y double the mileage of that system. Sevhis duties consisted of acting as a watcheral lines have been purchased outright and man on the trenches at night. He says his other branches are now in course of construction, all of which will greatly increase work, as well as that of the other men, was the influence of the Chesapeake & Ohio supervised by the superintendent of conupon traffic matters in the South and will reunite the Big Sandy lines with the Chesa- struction, Benjamin J. Snyder, and that peake & Ohio in a more advantageous posithis man was a coarse, brutal, tyrannical and overbearing taskmaster. He says Sny-After two years' experimentation with der is a large, athletic man of rough mannickeled steel rails the Pennsylvania Rail-

Gray in his complaint says that he is a moderately strong man and of a mild, nonquarrelsome disposition. He says that he is not equipped for a personal trial of strength with Snyder and well knew the fact. One day in December, because of some disapproval of his work, Snyder abused him, he says, and when he remon-strated he struck him in the mouth with his clenched fist. The blow loosened his teeth, bruised his lips and mouth and hurt his head, he claims. Other blows and assaults on his face and body injured him severely. Internal injuries caused him to take to his bed and the services of a physician were

Mrs. Johnson Seeks a Divorce. The wife of Frank E. Johnson, of 1935 Ashland avenue, Mrs. Mabel Johnson, en-

tered suit for divorce yesterday, alleging that her husband has cruelly mistreated her. Mrs. Johnson claims that her husband has in many ways wounded her spirits and feelings, and on one occasion held her against a wall and slapped her face with his open hand. At another time Johnson is accused of having opened a razor and pursued his wife around their home, threatening to kill her if he caught her. These conditions, Mrs. Johnson says, are unbearable and a separation was necessary. She

Three Debtors' Petitions. Three debtor's petitions in bankruptcy were filed in the Federal Court yesterday. Ind., liabilities \$4,912.39, assets \$310; Peter Desher, farmer, Plymouth, Ind., liabilities

THE COURT RECORD. SUPERIOR COURT.

Harvey A. Rockwood vs. J. Willis Miller Co.; receiver. Intervening petition of F. Witmer Lumber Company heard James H. Pattison vs. Mary A. Staub et al.; foreclosure. Evidence concluded. Con-City Bond Company vs. Jerry S. Hall et al. Submitted to court. Evidence heard.

way Company; damages. On trial by jury.

Fremont Alford, Judge. John Tyers; grand larceny and receiving heard. Finding of guilty to first count. Fined and imprisoned in Indiana Reforma-Clyde Cook, alias Lewis Harrison; housecourt, says the Washington Post. Thomas breaking. Trial by court. Finding of guil-B. Smith was domiciled in Hawaii, and while there took out a life insurance policy. ty. Aged fifteen years. Sentenced to Indiana Reform School for Boys until he He afterward died in San Francisco. Ad-

Joe Wilson; assault and battery with intent to rape. Arraigned and pleaded not Sarah J. Ruark vs. Lydia Springer; on

order of a board of commisioners establishing a public highway is made and recorded the commissioners have no power to vacate it, either at the same or subsequent term. even though they afterwards become convinced that it is wrong. 2. A board of commissioners has no power to annul or modify a judgment it has rendered, or grant a new trial, and, however erroneous such judgment or final order may be, the only remedy is by appeal. 20015. Bush vs. McBride. Clinton C. C. Affirmed. Monks, J.-When an assignment of error is joint as to all appellants it must

an agent to perform such duties, the agent, whatever his rank, stands in the place of the master.

3579. Nowlin vs. State ex rel. Cornis. Dearborn C. C. Affirmed. Comstock, J.—

Reserved Seats without extra charge at Vulschner's Music Store Jan. 12.